

Lester B. Shupe
Application No. 09/648,908
Amendment dated July 15, 2003
Reply to Office Action of April 17, 2003

REMARKS/ARGUMENTS

Status of the application:

Prior to entry of this amendment, claims 1-10 were pending in the application. The office action rejected claims 1-2, 4-6, 8, and 10 under 35 U.S.C. § 102(e) as anticipated by Sonti (U.S. Patent No. 6,108,540), claims 3 and 7 under 35 U.S.C. § 103(a) as unpatentable over Sonti in view of Gillespie (U.S. Patent No. 6,256,379), and claim 9 under 35 U.S.C. § 103 as unpatentable over Sonti. This amendment amends claims 1, 5-6 and 10 while claims 2-4 and 7-9 remain unchanged. This amendment adds new claims 11-25. Hence, after entry of this amendment, claims 1-25 stand pending in the application.

Claim Amendments and Additions:

Claims 1, 5, 6 and 10 have been amended, and new claims 11-25 have been added. Claims 1 has been amended to more particularly describe the claimed invention, and claims 5 and 6 have been amended for conformance with claim 1. Claim 10 has been amended merely cosmetically, to conform more closely with the capitalization of, for example, claim 5.

Support for the amendments to claims 1, 5, 6 and 10 can be found at, *inter alia*, page 6, lines 15-21 of the application. Support for new claim 11 can be found at, *inter alia*, page 6, lines 18-21 of the application. Support for new claims 12-14 and 25 can be found at, *inter alia*, page 7, lines 2-17 of the application. Support for new claims 15-17 can be found at, *inter alia*, page 5, line 20 to page 6, line 1 of the application, while support for claims 18-19 can be found at, *inter alia*, page 6, lines 25-29 of the application. Finally, support for claims 20-22 and 24 can be found at, *inter alia*, page 5, lines 6-19 and page 6, lines 15-21 of the application, and support for new claim 23 can be found at, *inter alia*, pages 5-7 of the application.

Rejections under 35 U.S.C. § 102(e):

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The office action rejected claims 1-2, 4-6, 8 and 10 under 35 U.S.C. § 102(e) as anticipated by Sonti. The applicant respectfully traverses these rejections and submits the following arguments in support of his position.

Sonti fails to anticipate even independent claims 1, 5, 6 and 23. For example, claim 6, as currently amended, recites *inter alia*, “a Service Location Register . . . configured to . . . in response to the request and without receiving any prompting from the Switching Center, send the requested profile update to the Switching Center.” Sonti fails to teach or suggest that a service location register can send any profile information to a switching center without first being prompted by the switching center.

The office action asserts that Sonti (col. 8, lns 57-60) teaches that “the HLR sends any/all valid profile updates to the MSC without MSC intervention.” The application respectfully submits that the office action misperceives the teaching of Sonti in this respect. The cited passage of Sonti refers to step 705 as illustrated on Fig. 7 of Sonti. Clearly, however, the action taken in step 705 is in response to step 703, in which “[t]he mobile switching center recognizes the PSN as a request for a feature from the mobile station (via the base station) and sends the remaining digits . . . to the HLR in the form of a “FEATREQ” message.” Sonti, col. 8, lns. 40-44. Consequently, the action taken by the HLR and cited by the office action as “without MSC intervention” indisputably was prompted by the FEATREQ message from the MSC.

Thus, Sonti teaches a method of sending a profile update when a switching center requests an update. For example, Sonti states that “knowing that [it] has no other information about the subscriber, the mobile switching center sends a ‘REGNOT’ (Registration Notification) message to the home location register, requesting profile and validation information corresponding to the mobile station wishing to register.” *See* Sonti, col. 7, lns. 6-11. Claim 1, in contrast, is directed to a method wherein the profile update is sent without any request by the switching center. This limitation is not disclosed by Sonti. While Sonti teaches the ability of a home location register (HLR) to support multiple subscriber profiles, and to allow the HLR to switch between profiles upon a request from a mobile switching center (MSC), Sonti nowhere

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discloses that this feature could be implemented without prompting from the MSC. In fact, Sonti (col. 6, lns. 42-44) expressly notes that “current MSC Software . . . needs to be reprogrammed to enable forwarding a message containing a user-requested profile to the HLR” in order to practice Sonti’s invention.

Thus, Sonti neither teaches nor suggests that a profile update or change could be accomplished without prompting from the MSC. Instead, Sonti teaches that, to accommodate the features of Sonti, switching centers must be programmed to enable additional prompting of the HLR, not that the HLR can make profile changes without prompting. Thus, instead of disclosing this limitation of claim 1, Sonti actually teaches away from it. For at least this reason, independent claims 1, 5, 6 and 23 are allowable over Sonti.

In addition, Sonti fails to teach or suggest initiating a stored procedure in a database, such as is claimed in, for example, claim 5, to generate a request to the HLR to send a qualification directive to the MSC. The office action fails to identify any disclosure in Sonti of a stored procedure, or even of a database in which the stored procedure might be initiated. Instead, the office action apparently reasons that because the HLR of Sonti assertedly “sends any/all valid profile updates to the MSC without MSC intervention,” those profile updates inherently must be triggered by a stored procedure in a database. Even assuming that Sonti actually did disclose that the HLR sent profile updates to the MSC without MSC intervention (which, as noted above, Sonti does not), the office action fails to explain why a stored procedure in a database inherently would be the device for prompting the HLR to send the profile update. The applicant respectfully submits, therefore, that Sonti also fails to disclose, either expressly or inherently, “initiating a stored procedure to generate a request to the HLR to send a qualification directive to the MSC,” as is claimed in claim 5. For at least this additional reason, claim 5 is allowable over Sonti.

Claims 2, 4, 8 and 10, as well as new claims 11-22 and 24-25, each depend directly from one of claims 1, 5, 6 or 23, and are therefore believed to be allowable as depending from

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allowable base claims, as well as being directed to specific novel substitutes. For instance, new claim 12, which depends from claim 1, is further limited, "wherein receiving an update includes receiving a request initiated by a web browser." Nowhere does Sonti even mention a web browser, let alone disclose or suggest that its system could accept input from such a web browser. As noted above, Sonti discloses only systems in which the MSC prompts the HLR to update the subscriber's profile.

The applicant, therefore, respectfully requests that the rejections under 35 U.S.C. § 102(e) be withdrawn.

Rejections under 35 U.S.C. § 103(a):

The office action rejected claims 3 and 7 under 35 U.S.C. § 103(a) as unpatentable over Sonti in view of Gillespie, and claim 9 under 35 U.S.C. § 103(a) as unpatentable over Sonti. The applicant respectfully traverses these rejections and submits the following arguments in support of his position.

Claims 3, 7 and 9 each depend directly from either claim 1 or 6 and, for at least the reasons discussed above, therefore are believed to be allowable as depending from allowable base claims, as well as being directed to specific novel substitutes.

Furthermore, the present application and U.S. Patent 6,256,379 (Gillespie) were, at the time the invention of the present application was made, owned by a common entity. Pursuant to 35 U.S.C. § 103(c), therefore, Gillespie is not available as prior art. Claims 3 and 7 are believed to be allowable for this additional reason, and the applicant respectfully requests that the rejections under 35 U.S.C. § 103(a) be withdrawn.

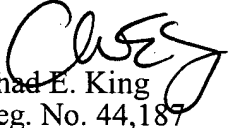
CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

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If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,


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